

HURLEY GREGORY

IBLA 79-384

Decided September 19, 1979

Appeal from decision of the New Mexico State Office, Bureau of Land Management, requesting additional evidence concerning oil and gas lease offer NM 36330.

Vacated and remanded.

1. Oil and Gas Leases: Applications: Generally -- Oil and Gas Leases: Applications: Attorneys-in-Fact or Agents

Where the record does not show and it does not appear that a signature on a drawing entry card is a facsimile, but rather that it is the genuine handwritten signature of the offeror, BLM's decision stating that it is a facsimile and requesting more information about the circumstances surrounding its being affixed will be vacated, as the requirements of 43 CFR 3102.6-1(a)(2) do not apply.

APPEARANCES: Hurley Gregory, pro se.

OPINION BY ADMINISTRATIVE JUDGE STUEBING

The noncompetitive simultaneous oil and gas lease offer drawing entry card of Hurley Gregory for parcel NM 494 was drawn with first priority in the February 1979 drawing in the Mexico State Office, Bureau of Land Management (BLM). On March 26, 1979, BLM issued a decision requesting additional evidence from Gregory concerning the formulation of his offer and the affixing thereon of his signature. This decision states that the "entry card filed by Hurley Gregory shows that the signature on the card was placed by a rubber stamp and is not an original signature." Gregory has appealed from this decision insofar as it finds that the signature on his card is a facsimile.

[1] The record does not show, and it does not appear to us, that the signature on Gregory's card is a facsimile. Gregory has unequivocally stated that he personally inscribed his signature by pen with his own hand. We are persuaded that this is so and that the signature is not a facsimile.

The fact that the signature of an individual offeror is not a facsimile does not necessarily establish that it was actually affixed by that individual. D. E. Pack, 30 IBLA 166, 169 n.2 (1977). However, it appears in this case that the signature on the card is Gregory's and that he affixed it personally, as he alleges. The signature is obviously the same as other handwritten signatures on his notice of appeal, statement of reasons, and other documents in the file. Thus, it is unnecessary for BLM to inquire into the circumstances surrounding the affixing of the signature, as we are satisfied that Gregory affixed it himself, so that the requirements of 43 CFR 3102.6-1(a)(2) do not apply.

BLM's decision stating that Gregory's signature is a facsimile is vacated, and the case is remanded to BLM, which should issue the lease to him if all else is regular with his offer.

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is vacated and the matter remanded to BLM for action consistent herewith.

Edward W. Stuebing
Administrative Judge

We concur:

Frederick Fishman
Administrative Judge

Joseph W. Goss
Administrative Judge

